

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS**

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November 1, 2021

The City Council of the City of Gardner, Kansas met in regular session on November 1, 2021, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Kacy Deaton, Randy Gregorcyk, and Tory Roberts. City staff present were City Administrator James Pruetting; Deputy City Administrator Amy Nasta; Finance Director Matthew Wolff; Police Chief James Belcher; Utilities Director Gonz Garcia; Parks and Recreation Director Jason Bruce; Community Development Director David Knopick; Public Works Director Kellen Headlee; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the sign-in sheet and others who did not sign in.

**CALL TO ORDER**

There being a quorum of Councilmembers present, Mayor Shute called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Shute led those present in the Pledge of Allegiance.

**PRESENTATIONS**

**1. Proclaim November 1, 2021 as Gardner Gold Special Olympics Day in the City of Gardner, Kansas**

Mayor Shute read into record a proclamation recognizing November 1, 2021 as Gardner Gold Special Olympics Day in the City of Gardner, Kansas.

**PUBLIC HEARINGS**

**PUBLIC COMMENTS**

No members of the public came forward.

**CONSENT AGENDA**

- 1. Standing approval of the minutes as written for the regular meeting on October 18, 2021**
- 2. Standing approval of City expenditures prepared September 30, 2021 in the amount of \$5,635,562.29; October 1, 2021 in the amount of \$417,352.07; and October 8, 2021 in the amount of \$311,436.03**
- 3. Consider an appointment to the Citizens Police Advisory Committee**
- 4. Consider authorizing the execution of a contract for the Prairie Trace West Sewer Interceptor Project**

Councilmember Deaton made a motion to approve the Consent Agenda.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

**PLANNING & ZONING CONSENT AGENDA**

**COMMITTEE RECOMMENDATIONS**

**OLD BUSINESS**

**NEW BUSINESS**

- 1. Consider adopting an ordinance amending Ordinance No. 2640 of the City in connection with the Waverly Plaza Community Improvement District**

Finance Director Matt Wolff said on December 16, 2019, City Council approved the establishment of a CID for the Waverly Plaza Development. The start date of district was set for January 1, 2022. At this time, there are no existing businesses within the district to generate sales tax. The purpose of this ordinance is to remove the January 1, 2022, start date and provide substitute language regarding the timing of the CID sales tax collection. In the proposed ordinance, the collection of the CID sales tax would now commence on either the date that the first retail user within the CID is open for business, or such other date as determined by the City, or the earliest date

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following the foregoing on which the Kansas Department of Revenue agrees to begin the imposition of the CID Sales Tax.

Councilmember Gregorcyk clarified the \$34,000 would be reimbursed through the CID. Director Wolff confirmed and explained that the \$34,000 is the city's annual debt service for its part of the special benefit district. The city has first rights to the CID, and staff recommends delaying it to make sure the project is successful and ensure the city's long-term reimbursement of those costs. Mayor Shute said he is against an indefinite extension. Councilmember Baldwin had the same concern, but noted the second option is a date selected by the city. Wolff said they look at what's in the city's best interests. This approach will also help the project be more successful. Gregorcyk asked if the land bank is an option if the project doesn't start. City Administrator Pruetting said the land bank is a separate project and is under discussion. Councilmember Roberts noted this would fall under ordinance review.

Councilmember Deaton made a motion to adopt an ordinance amending Ordinance No. 2640 of the City of Gardner, Kansas, in connection with the Waverly Plaza Community Improvement District in the City

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2720.

Baldwin:	Yes
Deaton:	Yes
Roberts:	Yes
Winters:	Yes
Gregorcyk:	Yes

**2. Consider accepting a voluntary annexation with landowner consent**

Community Development Director Dave Knopick said this is a housekeeping item. The owners requested a voluntary annexation of a small strip of land adjacent to a parcel already annexed into the city. This strip of land was not included in the previous annexation process.

Councilmember Deaton made a motion to accept the Voluntary Consent Annexation request of the Thomas C. Trigg and Julie G. Trigg property and adopt an ordinance annexing land to the City of Gardner, Kansas

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2721.

Deaton:	Yes
Roberts:	Yes
Winters:	Yes
Gregorcyk:	Yes
Baldwin:	Yes

**3. Consider a resolution providing the Authority to Award a contract with the Kansas Department of Transportation (KDOT) for the US-56 Reconstruction project**

City Engineer Tim McEldowney said KDOT recently opened bids on the project. Amino Brothers is the apparent low bidder. KDOT needs the city to authorize them to proceed with the award. The document for approval tonight commits the city to paying its portion. When applying for funding, the city did three grant applications for \$1 Million each, and they were awarded. The estimate at that time was \$5.4 Million for construction. Right now, it's \$6.13 Million. KDOT has agreed to give an additional \$350,000 toward the project. Included with the original \$3 Million, the city's share is \$2.78 Million. The final amount will be determined when the project is over.

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Councilmember Winters asked about the timeline. Mr. McEldowney said it takes a couple months for awarding. The contractor should start the project around February. Mayor Shute asked if KDOT will be filling potholes until then. McEldowney said KDOT is responsible until the project starts, then the contractor will be responsible for maintaining the road. Winters asked if there is any preliminary work they can complete. McEldowney said those items have already been addressed. Winters asked how long the project will last. McEldowney said 11 months. Councilmember Gregorcyk asked, with CARS funding, would the city's all-in amount be \$2.046 Million. McEldowney confirmed, for construction. Councilmember Roberts asked about lane closures. McEldowney said they will have one lane open in each direction and will maintain one access to each business. Councilmember Baldwin asked when they will install the traffic signal at QuikTrip. McEldowney said they don't activate those until the project is complete and all four lanes are open.

Councilmember Deaton made a motion to adopt a resolution providing the Authority to Award the Contract and Commitment of City Funds for the US-56 Reconstruction Project

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2095.

Roberts:	Yes
Winters:	Yes
Gregorcyk:	Yes
Baldwin:	Yes
Deaton:	Yes

**COUNCIL UPDATES**

Director Bruce thanked the Special Olympics parents, participants, and volunteers for coming out. Bruce also thanked staff and volunteers for Boo Bash. They sold 1100 wrist bands.

Director Knopick provided an update on October building permits. They issued 22 single-family permits, representing 30% of the single-family permits for the year. There are several more in review currently. It's a busy end of year for residential permits.

Director Garcia said, due to gas price volatility, KMEA is offering a PPA for member cities, from December 21 to February 22. The price they are offering is \$86, and the current price is \$35-\$40. The numbers don't work on an early analysis, but staff can do more in-depth analysis and modeling. City Administrator Pruetting said it will cost \$500,000 to insure against losses up to \$2 Million. The current projections are 40% below reaching the threshold. Councilmember Gregorcyk asked what happens over the \$2 Million. Pruetting said the city would pay any overage. Mayor Shute said at most they are forgoing \$1.5 Million. He is not in favor of it. Baldwin said everything is showing 30-40% increases, and it seems KMEA is taking advantage. It's an unnecessary cost, but no harm in getting detailed numbers. Garcia said they have a contract for 1 megawatt at \$20 per MWh from WAPA. GRDA is \$25-\$28. Marshall is \$33. They have 10 megawatts. The average capacity during the winter load is 25. They have to go to the market to buy the other 15 needed. KMEA is proposing 7.5 out of that 15 on a PPA for \$86. Councilmember Deaton asked how long they have to decide. Garcia said earlier is better. Shute didn't understand why KMEA wouldn't consider a potential hedge contract on natural gas prices, which is the power source for Dogwood. Garcia said they are meeting with Dogwood to discuss the gas availability. Garcia said out of 30 cities only 4 have ownership in Dogwood. Baldwin asked if they can buy calls on futures for natural gas. Wolff said they haven't considered it, but can look into it.

Captain Krout said they had a safe and happy Halloween. Officers handed out candy on patrol when not on calls. Councilmember Roberts received a complaint about fireworks on Halloween, and asked if the police received any calls. Krout doesn't know if they got calls through dispatch. There are always some fireworks on every holiday. Roberts asked if they should remind residents of the rules before holidays. Krout said they can remind residents, but they are going to continue to do it.

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City Administrator Pruetting said they got snow removal for downtown businesses survey out. It will run through November 9, and staff will bring results for next meeting.

Councilmember Roberts said tomorrow is Election Day. Go vote; that's how the system works. Good luck to everyone running.

Councilmember Gregorcyk appreciated the police and fire departments out on Halloween. He wishes everyone running for a seat good luck, and encourages everyone to get out and vote tomorrow.

Councilmember Baldwin discussed filling the council seat if there's a vacant term left by the mayoral race. He suggested advertising the open position on November 3 and having interviews to take place on December 6. City Clerk Rose said the results won't be certified on November 3. Baldwin said if it's a significant margin, they can post. Councilmember Roberts said if they have new members, they would have the opportunity to interview. Councilmember Winters supports letting new members have time to acclimate. Councilmember Deaton likes the idea, but doesn't want the clerk to have to decide on the unofficial threshold. Baldwin said they can choose the threshold by consensus. Mayor Shute supports waiting for final certifications. City Attorney Denk said there isn't a true vacancy until officers are sworn in. Baldwin said there would be a vacancy when the election is finished. Denk said the law states the incumbent stays in the position until their replacement is sworn in. Baldwin said they will know there will be an opening on the 6<sup>th</sup> right after the swearing in. Denk said the process to fill vacancies are the occurrence of a vacancy. Deaton said they won't have an official vacancy until the 6<sup>th</sup>, and can post the opening, and interview the first meeting in January. Roberts supports waiting until vacancy happens. She doesn't understand the rush. Baldwin said there's no reason to delay it. Denk said the ordinance has shortened the lame duck period. Shute said it won't be a lame duck period in December, as they would have a quorum of elected officials. Deaton said they have to wait until an official vacancy. Baldwin said the governing body can set this for the future. Winters supports leaving it the way it is. Roberts said if it was presented in July or August, it may have been favorable, but this is too rushed. Shute asked if Baldwin wants to pursue this before the next election. Baldwin supports that. Shute said there is no consensus to deliberate an ordinance tonight.

Mayor Shute said tomorrow, one member of the council will be voted the next mayor of Gardner. It's been fun and challenging. The public doesn't know how difficult it is to be an elected official or mayor. He will be happy to assist the new mayor in a smooth transition. Good luck to councilmember Baldwin on his council seat. Get out and vote, exercise your voice.

**EXECUTIVE SESSION**

**ADJOURNMENT**

There being no further business to come before the Council, on a motion duly made by Councilmember Gregorcyk and seconded by Councilmember Deaton the meeting adjourned at 7:45p.m.

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City Clerk